

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:13-CV-563-GCM-DCK**

JORDANN J. DRYE,)
)
 Plaintiff,)
)
 vs.)
)
 CAROLYN W. COLVIN,)
 Acting Commissioner Of Social Security,)
)
 Defendant.)
 _____)

ORDER

THIS MATTER IS BEFORE THE COURT on Plaintiff's "Motion For Fees Under The Equal Access To Justice Act 28 U.S.C. § 2412(d)(1)(A)" (Document No. 21) filed August 6, 2014. This motion has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b), and immediate review is appropriate. Having carefully considered the motion and the record, and particularly noting the parties' "Stipulation Of EAJA Fees" (Document No. 23) filed on August 8, 2014, the undersigned will grant the motion, with modification.

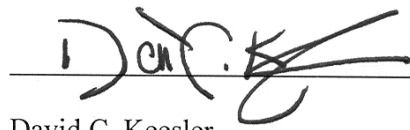
Plaintiff's pending motion seeks an award of attorney's fees under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d), in the amount of \$5,159.30. (Document Nos. 21 and 22). Pursuant to the parties' "Stipulation Of EAJA Fees" (Document No. 23), there is now agreement that \$4,979.65 is an appropriate fee award in full satisfaction of any and all EAJA attorney's fee claims Plaintiff may have in this case. The undersigned finds good cause to allow an award of fees as stipulated.

IT IS, THEREFORE, ORDERED that Plaintiff's "Motion For Fees Under The Equal Access To Justice Act 28 U.S.C. § 2412(d)(1)(A)" (Document No. 21) is **GRANTED**. The Court will award attorney's fees in the amount of **\$4,979.65**. Pursuant to Comm'r of Soc. Sec.

v. Ratliff, 560 U.S. ----, 130 S. Ct. 2521 (2010), the fee award will first be subject to offset of any debt Plaintiff may owe to the United States. The Commissioner shall determine **within 30 days** of this Order whether Plaintiff owes a debt to the United States. If so, the debt will be satisfied first, and if any funds remain, they will be made payable to Plaintiff and mailed to Plaintiff's counsel. If the United States Department of the Treasury reports to the Commissioner that the Plaintiff does not owe a federal debt, the government will exercise its discretion and honor an assignment of EAJA fees, and pay the awarded fees directly to Plaintiff's counsel. No additional petition pursuant to 28 U.S.C. § 2412(d) shall be filed.

SO ORDERED.

Signed: August 19, 2014



David C. Keesler
United States Magistrate Judge

